

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MILTON R. LOVETT,

No. C 11-00614 DMR

Plaintiff,

**ORDER RE PLAINTIFF'S COUNSEL'S
MOTION FOR ATTORNEYS' FEES**

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

The court is in receipt of the Motion for Attorney Fees Pursuant to 42 U.S.C. § 406(b) submitted by Plaintiff's counsel Steven Rosales, as well as Defendant Commissioner of Social Security's statement of non-opposition thereto. [Docket Nos. 32, 33.]

In Mr. Rosales' motion, he seeks an award of fees in the amount of \$3,800, with a credit in the amount of \$1,057.28 to Plaintiff Milton R. Lovett for fees already paid, for a net fee of \$2,742.72. In this motion, Mr. Rosales' interests are adverse to those of his client, Plaintiff Lovett, because any fees that the court awards Mr. Rosales pursuant to section 406(b) will come from Mr. Lovett's past-due benefits. In other words, if the court grants Mr. Rosales' motion and awards him fees, it will reduce the amount of past-due benefits that Plaintiff Lovett will receive from Defendant by the amount of the court's award. Therefore, the court grants Plaintiff Lovett until **October 12, 2012** to submit any objections to Mr. Rosales' motion for attorneys' fees. If the court does not

1 receive any objections from Plaintiff Lovett by that date, the court will decide Mr. Rosales' motion
2 based on the papers already submitted.

3 **Upon receipt of this Order, Plaintiff's counsel shall immediately serve Plaintiff Lovett**
4 **with a copy of the Order and file a proof of service.**

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6 IT IS SO ORDERED.

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8 Dated: September 27, 2012

